

Southend-on-Sea Borough Council

Report of Corporate Director for Place

to
Cabinet
on

22 September 2015

Agenda
Item No.

23

Report prepared by: Ian Brown, Parks Management Officer

Blenheim Park Pavilion Consultation

Executive Councillor: Councillor Graham Longley
Part 1 (Public Agenda Item)

1. Purpose of Report

- 1.1 To update members on the outcome of the consultation into the proposal to build a new pavilion in Blenheim Park and provide consideration of the Place Scrutiny decision to reference back the Cabinet's resolution to approve landlord consent to Catholic United Football Club.

2. Recommendations

- 2.1 **Following consideration of the views expressed by Place Scrutiny and the outcome of the public consultation, Cabinet approves the original proposal.**
- 2.2 **The landlord consent will include lease conditions regarding operating hours, type of use, access for sports clubs and be explicit that there is no right for the lease holder to use pitches beyond the standard seasonal hire agreement. The development will require external funding, planning approval and meet the obligation of S.123 (2) and (2a) of the 1972 Local Government Act.**

3. Background

- 3.1 A report was presented to Cabinet Members on 23rd June 2015 detailing a proposal to work with an established local football club, Catholic United FC, to develop a new sports pavilion in Blenheim Park.
- 3.2 The recommendation within that report was for Members to approve Landlord consent for Catholic United FC to develop the sports pavilion in Blenheim Park for the use of the Club and other football teams.

3.3 The report was subsequently discussed at the Place Scrutiny Committee on 13th July 2015. The minute from the meeting stated:

“it was requested that the matter be referred back to Cabinet for reconsideration with particular regard to the lack of public consultation on the proposals to date and the potential loss of public open space”.

3.4 Review of decision

3.4.1 Cabinet approved landlord consent to Catholic United FC to support the provision of a new club house to achieve the long-term aspiration of providing a good standard of changing accommodation. Football teams have been provided with only the most basic facilities since the demolition of the sports pavilion in 2005. Concerns were raised at Place Scrutiny regarding the possible loss of public open space and lack of public consultation. At the Place Scrutiny on 13 July 2015, the Portfolio Holder for Enterprise, Tourism and Economic Development agreed that a public consultation would be undertaken.

3.5 A letter (Appendices 1 & 2) was hand delivered to 150 local residents in the immediate vicinity of Blenheim Park, as well as the Fire Station, Children’s Centre and local sports clubs, requesting their comments on the proposals.

3.6 A link to the online consultation was also provided within the document to enable people to participate as easily as possible.

3.7 Responses to the consultation were received via the online consultation portal and the Council’s main enquiry facility by post. Letters from residents were subsequently added to the consultation portal to ensure that the council could undertake a full analysis.

3.8 The Consultation period ran from 16th July 2015 to 24th August 2015, a period of just over 5 weeks to enable the outcome of comments to be considered.

4 Consultation Results

4.1 Residents and the wider community were able to participate in the consultation either by writing / e-mailing their comments directly or by using the online consultation portal.

4.2 In total, 89 responses were received as follows:-

Response	Number	%
Against Proposal	17	20%
Against original proposal but may accept an alternative	3	3%
In favour of the proposal	58	65%
In favour of the proposal only if modified	8	9%
Did not feel given enough information to give an informed view	3	3%
Total	89	

4.3 Two responses were received after the closing date; these have been incorporated into the overall results.

4.4 As can be seen from the table above 74% of respondents were broadly in favour of the development; with 65% firmly in favour of the proposal and a further 23% objecting to the proposal.

4.5 The main concerns / objections to the proposal were:

- Provision of a clubhouse with alcohol licence
- Noise and anti-social behaviour as a result of evening / late night functions
- Parking
- Loss of use of space within the park for general users
- Fencing off the football pitches
- Too many football pitches
- Increased litter
- Size of the development
- Impact on remaining children's play area
- Location of the development within the park & proximity to a school
- Vandalism of new facilities
- Reference to a covenant on the park restricting development
- "handing over" public land to a private club for their exclusive use
- Increased use of the site, including delivery of supplies to the clubhouse

4.6 Alternative suggestions were put forward; in the main these suggested that the provision of changing room only facilities should be provided within the site and that any fencing should only be placed around the changing rooms to protect them from vandalism.

4.7 Many people welcomed the proposal for the following reasons:

- Provision of better and much needed facilities for the area
- Being a beacon for grass roots football within Southend-on-Sea

- Providing local clubs with the opportunity to use a new purpose built facility
- Delivering the type of facilities expected in the 21st Century
- Reducing the need for players to change in public view
- Assist in the regeneration of the park
- Sustainability as the development would not need to be funded by the council

4.8 One respondent who is firmly in favour of the entire proposal, felt that considerations should be given to a longer term vision for the site and wanted to see the site used as the first multi-sports pavilion in the area to allow greater community use.

4.9 Conclusion

4.9.1 In regards to potential loss of open space it should be recognised the new building is effectively a replacement for the previous pavilion, located at an alternative location within Blenheim Park albeit larger than the previous facility.

4.10 A decision to approve the original proposal would enable Catholic United FC to progress the development further and help to support external funding applications. The agreement to enter into a lease will need to satisfy the requirement to meet the Section 123 (2) of the 1972 Local Government Act to obtain best consideration and the obligation to advertise the proposal to dispose of public open space when the Council enters into a lease.

4.11 Following careful consideration of the views expressed by Place Scrutiny Committee and the outcome of the public consultation, it is proposed that Cabinet approve the original proposal.

4.11 The landlord consent for the clubhouse will include conditions regarding operating hours, type of use, access for sport clubs and be explicit that no right exists for Catholic United FC to use pitches beyond the standard seasonal hire agreement offered by the authority.

4.12 The development of club house project will require external funding and require planning approval, agreement of lease conditions and meet statutory requirements set out within the report before the pavilion is constructed.

5. Other Options

5.1 Option 1: To refuse to grant Catholic United FC landlord consent and continue with the unsatisfactory changing accommodation provided by two tool sheds/garages and a temporary toilet.

5.2 Option 2: Refer the matter back to the club for them to consider relocating the site elsewhere within the park and investigating the possibility of re-designing the building so that it will fit on a smaller plot.

6. Reasons for Recommendation

6.1 The approval of the original proposal offers an innovative solution by developing good facilities in Blenheim Park to support football and sport participation.

7. Corporate Implications

7.1 Contribution to Council's Vision & Corporate Priorities

- **Healthy** Promote healthy and active lifestyles for all
- **Prosperous** Ensure continued regeneration of the town through a culture led agenda
- **Excellent** Enable communities to be self-sufficient and foster pride in the town
- **Excellent** Promote and lead an entrepreneurial, creative and innovative approach to the development of the town

7.2 Financial Implications

7.2.1 The club is not asking the council to fund the project. Capital costs would be found entirely through external funders.

7.3 Legal Implications

7.3.1 The proposal is subject to the Local Government Act 1972 Act. Section 123(2) of the Act requires Council to publish notices on the proposed disposal of open space.

7.3.2 The Local Government Act 1972 under Section 123 (2A) requires that the Council obtains best consideration on the disposal.

7.3.2 The proposal is also subject to the requirement to obtain planning permission for the pavilion.

7.4 People Implications

7.4.1 There are no people implications.

7.5 Property Implications

7.5.1 It will be necessary to agree a lease setting out the basis of occupation, rents and responsibilities. These terms will include consideration regarding operating hours, type of use, access for sport clubs and be explicit that no right exists for Catholic United FC to use pitches beyond the standard seasonal hire agreement offered by the authority.

7.6 Consultation

7.6.1 A consultation exercise has been carried out and the details included in the body of the report under Section 4.

7.7 Equalities and Diversity Implications

7.7.1 The pavilion will be required to meet all current accessibility standards and offer a significant improvement on the current temporary changing facility.

7.8 Risk Assessment

7.8.1 The principle risk is that the club will be unable to secure the funding necessary for the project.

7.8.2 There is a further risk that the council and the club will be unable to agree terms of the lease which would prevent the development of the project.

7.9 Value for Money

7.9.1 The proposal represents value for money by providing a new public facility at no cost to the Council.

7.10 Community Safety Implications

7.10.1 The proposed location of the building is considered to offer the safest location for sustainable operation due to its visibility.

7.11 Environmental Impact

7.11.1 The building will be required to conform to planning regulations and current renewable targets.

8. Background Papers

8.1 Cabinet report 23rd June 2015

9. Appendices

9.1 Appendix 1: Letter to residents 16th July 2015

9.2 Appendix 2: Outline drawings of the proposed development

9.3 Appendix 3: Consultation Responses